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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-16,26-28 and 31-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-16,26-28 and 31-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/27/04* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/788,589 has a total of 23 claims pending in the application; there are 4 independent claims and 19 dependent claims, all of which are ready for examination by the examiner. Claims 1-2, 5-16, 26-28, and 31-36.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 10, 2008 has been entered.

OBJECTIONS

Drawings

3.   Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-2, 5-8, 11-16, 26-28 and 31-34** are rejected under 35 U.S.C. 103(a) as

being unpatentable by Wu et al. (US 7,216,133) in view of Suishu et al. (US

2005/0055523).

6.   As per claim 1, Wu discloses A method comprising: generating first and second

write transactions, wherein the first and second write transactions comprise first and

second tags, respectively; **[updates to items in column 306 wherein each update has a**

local_cn in column 308 and a version in column 310 (Figures 3A and 3B and related

text)]

transmitting the first and second write transactions to first and second storage devices,

respectively; **[updates in logical view 110 in replica 102 contains are mapped to**

physical tables 105 and 106 and updates in logical view 112 in replica 104 are

mapped to physical tables 107, 108 and 109 (fig. 1 and related text; col. 12, lines 52-

62; col. 5, lines 25-65) which correspond to first and second storage devices wherein

logical views are substantially similar to each other in different replicas to facilitate

synchronization when updates are sent from a source replica to a destination replica

(col. 11, lines 24-42)]

wherein the first write transaction comprises data D to be written; wherein the second

write transaction comprises data D to be written; **[data items (col. 6, lines 18-40; figures**

1 and 3A-3b and related text)]

storing first write information in an entry of a first tag table, wherein the first write

information comprises the first tag and an identity of a logical block of a first storage

object where data D is to be written, wherein the first tag table is stored in first memory;

[updates written to replica 102 are stored in the combination of logical physical

table and logical view synch table such as tables shown in figures 3A-3B and related

text; wherein local_cn and version numbers correspond to a first tag wherein "the

version in column 310 contains information about which replica made the change"

(col. 8, lines 56-58) which corresponds to the identity of the logical block/view that

made the change (See. Col. 6, lines 4-17). Wu further discloses

synchronization/updating replicas at folder level wherein folders are logical

constructs used for grouping items together (Col. 6, lines 18-40)]

storing second write information in an entry of a second tag table, wherein the second

write information comprises the second tag and an identity of a logical block of a second

storage object where data D is to be written, wherein the second tag table is stored in

second memory **[updates written to replica 104 are stored in the combination of**

logical physical table and logical view synch table as shown in figures 3A-3B and

related text; wherein local_cn and version numbers correspond to a first tag

wherein "the version in column 310 contains information about which replica made

the change" (col. 8, lines 56-58) which corresponds to the identity of the logical

block/view that made the change (See. Col. 6, lines 4-17). Wu further discloses

synchronization/updating replicas at folder level wherein folders are logical

constructs used for grouping items together (Col. 6, lines 18-40)].

To further detail Wu, Suishu discloses write transactions to first and second

storage devices wherein write information such a write tags and identity of logical blocks

wherein data is written is stored in first and second tables in first and second storage

devices, respectively as [each storage systems 200, 100a and 100b shown in figure 1

stores a journal wherein "each journal is comprised of write data and update

information. The update information is information for managing write data, and

comprises of the time at which a write command was received (update time), a

group number, an update number in the group information 600 described later, a

logical address of the write command (*which corresponds to the identify of logical

blocks*), the size of the write data, and the logical address in the journal logical

volume where the write data is stored. The update information may have only either

the time at which the write command was received or the update number (*which

corresponds to tags*)" (pars. 0075-0076) wherein Suishu explains "in order to find the

logical address of the update information with the update number designated by the

secondary storage system 100B in the journal read reception processing, a table or

search method for finding a logical address storing the update information based on

the update number can be provided in the shared memories 140 of the primary

storage system 100A" (par. 0202) "in order to process journals in the order of

update numbers in the restore processing, a table or search method for finding a

logical address storing update information based on each update is provided in the secondary storage system 100b" (par. 0204)].

Wu and Suishu are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Suishu suggests that it would have been desirable to incorporate information on write transactions such as tags and identity of logical blocks wherein this information is stored as journals searchable by tables in each storage device into the system of Wu because this would provide a reduction in the amount of information required for data replication while maintaining data integrity in a plurality of storage systems and would also provide high speed and efficient data recovery in case of failure **[(par. 0014)]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wu as suggested by Suishu to incorporate the feature as claimed.

7.   As per claim 2, the combination of Wu and Suishu discloses The method of claim 1 further comprising: generating third and fourth write transactions, wherein the third and fourth write transactions comprise third and fourth tags, respectively; transmitting the third and fourth write transactions to the first and second storage devices, respectively **[Wu discloses updates written to replicas 102 and 104 are stored in the combination of logical physical table and logical view synch table as shown in figures 3A-3B and related text; wherein local_cn and version numbers correspond to a first tag wherein "the version in column 310 contains information about which replica made the change" (col. 8, lines 56-58) which corresponds to the identity of the logical block/view that made the change (See. Col. 6, lines 4-17). Wu further teaches updates in logical view 110 in replica 102 contains are mapped to physical tables**

105 and 106 and updates in logical view 112 in replica 104 are mapped to physical

tables 107, 108 and 109 (fig. 1 and related text; col. 12, lines 52-62; col. 5, lines 25-

65) which correspond to first and second storage devices wherein logical views are

substantially similar to each other in different replicas to facilitate synchronization

when updates are sent from a source replica to a destination replica (col. 11, lines

24-42)] [With respect to these limitations, Suishu discloses each storage systems 200,

100a and 100b shown in figure 1 stores a journal wherein "each journal is

comprised of write data and update information. The update information is

information for managing write data, and comprises of the time at which a write

command was received (update time), a group number, an update number in the

group information 600 described later, a logical address of the write command

(*which corresponds to the identify of logical blocks*), the size of the write data, and the

logical address in the journal logical volume where the write data is stored. The

update information may have only either the time at which the write command was

received or the update number (*which corresponds to tags*)" (pars. 0075-0076; 0202

and 0204)].

8.   As per claim 5, the combination of Wu and Suishu discloses The method of

claim1 wherein: the first write transaction comprises data D to be written to a range of

logical blocks of the first storage object; the second write transaction comprises data D to

be written to a range of logical blocks of the second storage object **[Wu discloses**

synchronization or updating replicas at folder level wherein folders are logical

constructs used for grouping items together (Col. 6, lines 18-40) wherein items are

stored within folder boundaries and folders are maintained in replicas shown in

figure 1 and updates to any replica are synchronized with the other. Suishu discloses

each storage systems 200, 100a and 100b shown in figure 1 stores a journal wherein

"each journal is comprised of write data and update information. The update

information is information for managing write data, and comprises of the time at

which a write command was received (update time), a group number, an update

number in the group information 600 described later, a logical address of the write

command (*which corresponds to the identify of logical blocks*), the size of the write

data, and the logical address in the journal logical volume where the write data is

stored. The update information may have only either the time at which the write

command was received or the update number (*which corresponds to tags*)" (pars.

0075-0076; 0202 and 0204)].

9.   As per claim 6, the combination of Wu and Suishu discloses The method of claim

5 <u>wherein</u> the first write information comprises an identity of the first storage object, and

an identity of the range of logical blocks of the first storage object where data D is to be

written, the second write information comprises, an identity of the second storage object,

and an identity of the range of logical blocks in the second storage object where data D is

to be written **[Wu discloses items are identified by item id in col. 306 (Figs. 3A and**

3B and related text) and synchronization or updating replicas at folder level

wherein folders are logical constructs used for grouping items together (Col. 6, lines

18-40) wherein items are stored within folder boundaries and folders are

maintained in replicas shown in figure 1 and updates to any replica are

synchronized with the other and also explains items in logical views are mapped to

physical tables by catalogs in both replicas (Figs. 1, and 3A-3B and related text).

Suishu discloses each storage systems 200, 100a and 100b shown in figure 1 stores a journal wherein "each journal is comprised of write data and update information. The update information is information for managing write data, and comprises of the time at which a write command was received (update time), a group number, an update number in the group information 600 described later, a logical address of the write command (*which corresponds to the identify of logical blocks*), the size of the write data, and the logical address in the journal logical volume where the write data is stored. The update information may have only either the time at which the write command was received or the update number (*which corresponds to tags*)"
(pars. 0075-0076; 0202 and 0204)].

10.   As per claim 7, the combination of Wu and Suishu discloses the method of claim 1 further comprising comparing the contents of one entry in the first tag table with the contents of entries in the second tag table to determine whether the second tag table includes an entry that matches the one entry **[Wu discloses synchronization layer includes a "synchronization change tracker that maintains versions and synchronization local change enumerations for the one or more items mapped to the logical view" and wherein logical views are used to synchronize storage layers with one another; wherein local change enumerations and synchronization local change enumeration for different items are compared to determine when to update a replica and wherein updates are sent from one replica to another via logical views (Figs. 3A and 3B and related text; col. 11, lines 16-52)]**.

11.   As per claim 8, the combination of Wu and Suishu discloses The method of claim 7 further comprising copying data, associated with the logical block number identified by

the one entry, from the first storage object to the logical block in the second storage

object if the second table lacks an entry with contents matching the contents of the one

entry **[Wu discloses "sending at least one mapped item from the source replica to a**

destination replica… replica 102 sending items from logical view 110 to logical view

112" (col. 11, lines 37-42). Suishu discloses using journal information for replicating

data from one logical volume to another (pars. 0011-0012; 0202 and 0204)].

12.   As per claim 11, the combination of Wu and Suishu discloses The method of

claim 1 further comprising: generating a write transaction to write data to a logical block

of a data volume; incrementing a counter in response to generating the write transaction;

generating the first and second tags as a function of an output of the incremented counter

[Wu discloses sending data from one replica to another thru logical views wherein

"the local change enumeration associated with each item is incrementally updated

each time a change is made to an item. The data storage layer 126 assigns local

change enumerations to all changes irrespective of whether those changes are made

through the user interface or received through synchronization" (col. 7, lines 37-58;

figs. 1, 3A-3B and related text; col. 11, lines 37-42). Shuishu discloses "update

information may have only either the time at which the write command was

received or the update number" (pars. 0075-0076)].

13.   As per claim 12, the combination of Wu and Suishu The method of claim 1

wherein the first and second storage devices comprise first and second object storage

devices, respectively **[Wu discloses physical storage (col. 1, lines 16-51; col. 6, lines**

18-40; fig. 1 and related text). Suishu discloses storage systems 200, 100a and 100b

(figure 1 and related text)].

14.   As per claim 13, the combination of Wu and Suishu disclsoes The method of

claim 1 wherein: the first write transaction comprises data D to be written to an extension

of the first storage object; the second write transaction comprises data D to be written to

an extension of the second storage object **[Wu discloses synchronization or updating**

replicas at folder level wherein folders are logical constructs used for grouping items

together (Col. 6, lines 18-40) wherein items are stored within folder boundaries and

folders are maintained in replicas shown in figure 1 and updates to any replica are

synchronized with the other and also discloses change units and consistency units

(col. 6, lie 41-col. 7, line 36)].

15.   As per claim 14, the combination of Wu and Suishu The method of claim 13

further comprising: the first write information comprising an identity of the first storage

object, and an indication that data D is to be stored in the extension of the first storage

object, the second write information comprising an identity of the second storage object,

and an indication that data D is to be stored in the extension of the second storage object

[Wu discloses synchronization or updating replicas at folder level wherein folders

are logical constructs used for grouping items together (Col. 6, lines 18-40) wherein

items are stored within folder boundaries and folders are maintained in replicas

shown in figure 1 and updates to any replica are synchronized with the other and

also discloses consistency units and change units (col. 6, line 41-col. 7, line 36)].

16.   As per claim 15, the combination of Wu and Suishu discloses A method

comprising: generating first and second write transactions; wherein the first and second

write transactions comprise first and second tags, respectively, wherein the first and

second tags are identical to each other; transmitting the first and second write transactions

to first and second storage devices, respectively; wherein the first write transaction

comprises data D; wherein the second write transaction comprises data D; storing first

write information in an entry of a first tag table, wherein the first write information

comprises the first tag and an identity of a logical block of a first storage object where

data D is to be written, wherein the first tag table is stored in first memory; storing second

write information in an entry of a second tag table wherein the second write information

comprises the second tag and an identity of a logical block of a second storage object

where data D is to be written, wherein the second tag table is stored in second memory

[The rationale in the rejection to claim 1 is herein incorporated].

17.   As per claim 16, the combination of Wu and Suishu discloses The method of

claim 1: wherein a_computer system generates the first and second write transactions in

response to generation of a write transaction by a first application executing on the

computer system, wherein the first and second tags are generated by a first tag generator;

a second computer system generating third and fourth transactions in response to

generation of a write transaction by a second application executing on the second

computer system; wherein the third and fourth write transactions comprise third and

fourth tags, respectively, wherein the third and fourth tags are generated by a second tag

generator **[Wu discloses incrementally updating local change enumeration which

may be received from a user interface or a result of synchronization (col. 7, lines 37-

58) wherein user interface may use procedures or functions code (col. 5, lines 43-

51)]**.

18.   As per claim 26, the combination of Wu and Suishu One or more computer

readable mediums storing executable instructions executable, wherein a method is

implemented in response to executing the instructions, the method comprising: in response to receiving a first transaction comprising a first tag and data D, storing first write information in an entry of a first tag table, wherein the first write information comprises the first tag and an identity of a logical block of a first storage object where the data D is to be written, wherein the first tag table is stored in first memory; in response to receiving a second write transaction comprising a second tag and data D storing second write information in an entry of a second tag table, the second write information comprising the second tag and an identity of the logical block of a second storage object where data D is to be written, wherein the second tag table is stored in second memory **[The rationale in the rejection to claim 1 is herein incorporated]**.

19.   As per claim 27, the combination of Wu and Suishu discloses The method of claim 1 further comprising: synchronizing said first and second storage devices in response to <u>an </u>entry of the first tag table not matching an entry of the second tag table **[Wu discloses updates written to replicas 102 and 104 are stored in the combination of logical physical table and logical view synch table as shown in figures 3A-3B and related text; wherein local_cn and version numbers correspond to a first tag wherein "the version in column 310 contains information about which replica made the change" (col. 8, lines 56-58) which corresponds to the identity of the logical block/view that made the change (See. Col. 6, lines 4-17). Wu further teaches updates in logical view 110 in replica 102 contains are mapped to physical tables 105 and 106 and updates in logical view 112 in replica 104 are mapped to physical tables 107, 108 and 109 (fig. 1 and related text; col. 12, lines 52-62; col. 5, lines 25-65) wherein a "synchronization change tracker that maintains versions and**

synchronization local change enumerations for the one or more items mapped to the logical view" and wherein logical views are used to synchronize storage layers with one another; wherein local change enumerations and synchronization local change enumeration for different items are compared to determine when to update a replica and wherein updates are sent from one replica to another via logical views (Figs. 3A and 3B and related text; col. 11, lines 16-52)].

20.   As per claim 28, the combination of Wu and Suishu discloses A method comprising: generating first and second write transactions; generating first and second tags; transmitting the first write transaction to first storage device; transmitting the second write transaction to second storage device; transmitting the first tag to the first storage device; transmitting the second tag to the second storage device; wherein the first write transaction comprises data D to be written; wherein the second write transaction comprises data D to be written; receiving the first write transaction at the first storage device; receiving the first tag at the first storage device; storing the first write information in an entry of a first tag table, wherein the write information comprises the first tag and an identity of a logical block of a first storage object where data D is to be written, wherein the first tag table is stored in first memory; receiving the second write transaction at the second storage device; receiving the second tag at the second storage device; storing the second write information in an entry of a second tag table, wherein the write information comprises the second tag and an identity of a logical block of a second storage object where data D is to be written, wherein the second tag table is stored in second memory **[The rationale in the rejection to claim 1 is herein incorporated]**.

21.   As per claim 31, the combination of Wu and Suishu discloses The one or more

computer readable memories of claim 26 wherein: the first write transaction comprises

data D to be written to a range of logical blocks of the first storage object; the second

write transaction comprises data D to be written to a range of logical blocks of the second

storage object **[The rationale in the rejection to claim 5 is herein incorporated]**.

22.   As per claim 32, the combination of Wu and Suishu discloses The one or more

computer readable memories of claim 31 wherein: the first write information comprises

an identity of the first storage object, and an identity of the range of logical blocks of the

first storage object where data D is to be written; the second write information comprises

an identity of the second storage object, and an identity of the range of logical blocks in

the second storage object where data D is to be written **[The rationale in the rejection to**

claim 6 is herein incorporated].

23.   As per claim 33, the combination of Wu and Suishu discloses The one or more

computer readable memories of claim 26 wherein the method further comprises

comparing the contents of one entry in the first tag table with the contents of entries in

the second tag table to determine whether the second tag table includes an entry that

matches the one entry **[The rationale in the rejection to claim 7 is herein**

incorporated].

24.   As per claim 34, the combination of Wu and Suishu discloses The one or more

computer readable memories of claim 33 wherein the method further comprises copying

data, associated with the logical block number identified by the one entry, from the first

storage object to the logical block in the second storage object if the second table lacks an

entry with contents matching the contents of the one entry [**The rationale in the
rejection to claim 8 is herein incorporated**].

25.   **Claims 9-10 and 35-36** are rejected under 35 U.S.C. 103(a) as being unpatentable
by Wu et al. (US 7,216,133) in view of Suishu et al. (US 2005/0055523) as applied to
claims 1 and 7 above, and further in view of Crockett et al. (US 6,088,697).

26.   As per claims 9-10 and 35-36, the combination of Wu and Suishu The method of
claim 7 but does not disclose expressly deleting the one entry in the first table if the
second table contains an entry with contents that match the contents of the one entry;
deleting the entry in the second table with contents that match the contents of the one
entry.

        Crockett discloses [**a remote copy system in which a data structure maintains
changes made to a primary data storage system and wherein the changes that have
been applied to a secondary data storage volume are discarded from the data
structure and the changes that have not been applied are maintained in the data
structure (col. 1, lines 52-67)**].

        Wu, Suishu and Crockett are analogous art in that they are of the same field of
endeavor, that is, a system and/or method of memory control. Crockett suggests that it
would have been desirable to incorporate the ability to delete entries that have already
been sent from one storage system to another from a table or data structure into the
system of Wu and Suishu because this would provide improvement in performing remote
copy operations for duplication of volumes from a primary site to a secondary site and
minimizing clean-up time and time for synchronization or re-synchronizations [**(col. 1,
lines 52-67; col. 2, lines 60-64)**]. Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify Wu and Suishu as

suggested by Crockett to incorporate the feature as claimed.

ACKNOWLEDGMENT OF ISSUES RAISED BY THE APPLICANT

Response to Amendment

27.   Applicant's arguments filed on January 10, 2008 have been fully considered but

are moot in view of the new ground(s) of rejection.

CLOSING COMMENTS

Examiner's Note

28.   Examiner has cited particular columns and line numbers in the references as

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant, in preparing the responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

When responding to this Office Action:

12.   Applicant is requested to indicate where in the disclosure support is to be found

for any new language added to the claims by amendment. 37 C.F.R. § 1.75(d)(1) <u>requires</u>

such support in the Specification for any new language added to the claims and 37 C.F.R.

§ 1.83(a) <u>requires</u> support be found in the Drawings for all claimed features.

29.   Applicant must clearly point out the patentable novelty which he or she thinks the

claims present, in view of the state of the art disclosed by the references cited or the

objections made, and must also explain how the amendments avoid the references or

objections. See 37 C.F.R. § 1.111(c).

a. **STATUS OF CLAIMS IN THE APPLICATION**

30.   The following is a summary of the treatment and status of all claims in the

application as recommended by **M.P.E.P. 707.07(i)**:

a(1) **CLAIMS REJECTED IN THE APPLICATION**

31.   Per the instant office action, claims 1-2, 5-16, 26-28, and 31-36 have received a

first action on the merits and are subject of a first action non-final.

a(2) **CLAIMS NO LONGER UNDER CONSIDERATION**

32.   Claims 3-4, 17-25 and 29-30 have been canceled as of amendment dated January

10, 20008.

b. **DIRECTION OF FUTURE CORRESPONDENCES**

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yaima Campos whose telephone number is (571) 272-

1232. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

IMPORTANT NOTE

34.   If attempts to reach the above noted Examiner by telephone are unsuccessful, the

Examiner's supervisor, Mr. Sanjiv Shah, can be reached at the following telephone

number: Area Code (571) 272-4098.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300. Information regarding the status of an application may be

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April 24, 2008   /Yaima Campos/
                                                                     Examiner, Art Unit 2185

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